

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ABAB, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. CIV-20-0134-HE
	)	
CITY OF MIDWEST CITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JUDGMENT**

On September 1, 2020, this Court entered an Order dismissing Plaintiffs’ federal “official capacity” claims against Defendants Heather Poole (“Poole”), Christine Brakefield (“Brakefield”), Derek Colquitt (“Colquitt”) and Duane Helmberger (“Helmberger”). *See* Doc. No. 23. In the same Order, this Court also dismissed Plaintiffs’ state law claims against Defendants Brakefield, Colquitt and Helmberger. *Id.*

On March 25, 2021, this Court entered another Order wherein it ruled that: (1) Defendant Colquitt was sued only in his official capacity and was previously dismissed; (2) Defendant Brakefield was entitled to summary judgment as to Plaintiffs’ procedural due process claims, substantive due process claims and the takings claim; (3) Defendant Poole was entitled to summary judgment as to Plaintiffs’ procedural due process claims, substantive due process claims, state law tort claims and the takings claim; (4) Defendant Helmberger was entitled to summary judgment as to Plaintiffs’ procedural due process claims, substantive due process claims, equal protection claim and the takings claim; and

(5) Defendant City of Midwest City (“Midwest City”) was entitled to summary judgment as to Plaintiffs’ substantive due process claims. *See* Doc. No. 73.

After this Court’s rulings set forth above, the claims which remained for adjudication on the merits before a duly empaneled jury were: (1) Equal protection against Christine Brakefield; (2) Equal protection against Heather Poole; and (3) Equal protection, procedural due process and takings against Midwest City.

On October 25, 2021, this case came on for jury trial before United States District Judge Joe Heaton on the remaining claims. At the close of Plaintiffs’ case in chief, Defendants moved for judgment as a matter of law under Federal Rule of Civil Procedure 50 as to all pending claims. After hearing argument of counsel and having considered all the evidence presented by Plaintiffs in the light most favorable to Plaintiffs, this Court granted judgment as a matter of law to Defendants Christine Brakefield, Heather Poole and the City of Midwest City as to Plaintiffs’ equal protection claims.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Judgment be, and hereby is, entered:

(a) In favor of Defendant Heather Poole and against Plaintiffs ABAB, Inc. and Ahmad Bahreini on all of Plaintiffs’ claims, including any claims for punitive damages;

(b) In favor of Defendant Christine Brakefield and against Plaintiffs ABAB, Inc. and Ahmad Bahreini on all of Plaintiffs’ claims, including any claims for punitive damages;

(c) In favor of Defendant Derek Colquitt and against Plaintiffs ABAB, Inc. and Ahmad Bahreini on all of Plaintiffs’ claims, including any claims for punitive damages;

(d) In favor of Defendant Duane Helmberger and against Plaintiffs ABAB, Inc. and Ahmad Bahreini on all of Plaintiffs' claims, including any claims for punitive damages; and

(e) In favor of the City of Midwest City and against Plaintiffs ABAB, Inc. and Ahmad Bahreini on all of Plaintiffs' claims, excluding the procedural due process claims and the takings claim, which will be dismissed with prejudice via the filing of a joint stipulation.

**IT IS SO ORDERED.**

Dated this 1<sup>st</sup> day of November, 2021.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE